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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER	
TRUONG, LECHI	
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BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

Application Number: 09/583,411

Filing Date: May 31, 2000

Appellant(s): TAYLOR, KURT RUSSELL

***

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/2005 appealing from the Office action mailed 06/13/2005.

(1) Real Party in Interest

The real party in interest in this appeal is the following party: International Business Machines Corporation.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

A. Total Number of claims in application:

Claims in the application are: 1-57

B. Status of all the claims in application

1. Claims canceled: NONE.

2. Claims withdraw from consideration but not canceled: NONE

3. Claims pending: 1-57

4. Claims allowed: None

5. Claims rejected: 1-57

6. Claims object to: None

C. Claims on appeal

The claims on appeal are 1-57

(4) Status of Amendments After Final

No amendment after final has been filed on June 13, 2005.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(8) Prior Art of Record

Spofford et al , US. Patent 5,913,037.

Dobbins et al , US. Patent 5,951,649.

Pearson , US. Patent 6,023,684.

Ferguson, US. Patent 6,016,499.

Whitehead US. Patent 6,085,030.

Admitted Prior Art

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims **1, 9, 20, 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spofford et al (US. Patent 5,913,037) in view of Dobbins et al (US. Patent 5, 951,649) and further in view of Pearson (US. Patent 6,023,684).

2. As to claim 1, Spofford teaches the invention substantially as claimed including: OID (OID, col 2, ln 59-67, col 6, In 1-45, col 4, ln 1-9, col 7, ln 20-62, col 8, ln 15-52), abstraction layer (MIB manager, col 2, ln 59-67/ col 6, ln 1-45/ col 4, ln 1-91 col 7, ln 20-62/ col 8, ln 15-521 col 11, ln 1-30/ col 12,ln 40-67), an OID tree structure (col 2, ln 59-67/ col 6, ln 1-451 col 4, ln 1-9/ col 7, ln 20-62/col 8, ln 15-52/ col 11, ln 1-30/ col 12, ln 40-67), query (query, col 11, ln 1-15), repository (the MIB 206, col 9, ln 40-41/ col 10, ln 58-59).

3. Spofford does not explicitly teach the OID abstraction layer is capable of receiving queries for objects in two or more different protocols, registering the ODI tree structure with a registry associated with the OID. However, Dobbins teaches the OID abstraction layer is capable of receiving queries for objects in two or more different protocols (a standard interface for the Management Information Base for object access by any management protocol or other entity including SNMP, SNMPv2, DMP, col 16, ln 20-23), registering the ODI tree structure with a registry associated with the OID (Each specific managed object which is persistent is then created and calls the Persistent Object Manger to restore its values through the standard Managed

Object base class... will call the Persistent Object Manager 77 to store the value, col 20, ln 33-391 all Base Resources are registered into one of these tables for management purposes, col 24, In 49-53).

4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Spofford and Dobbins because Dobbins 's the OID abstraction layer is capable of receiving queries for objects in two or more different protocols, registering the ODI tree structure with a registry associated with the OID would improve the use of Spofford and Dobbins's systems by providing a high availability of service, remoter management for supporting a number of different routing protocols.

5. Spofford and Dobbins do not explicitly teach mapping queries from multiple protocol interfaces to application programming interface (API) requests that the repository understands. However, Pearson teaches mapping queries from multiple protocol interfaces to application programming interface (API) requests that the repository understands (convert data from a parsed client request to a format compatible with the API for the application service identified in the application service call, col 15-20/ converting client messages between the language supported by a client program and the language used to implement a application service, col 4, In 67 to col 5, ln 1-3/convert s user queries from an Internet protocol to one compatible with a database ... the user queries to the appropriate query language format for the, col 2, ln 60-651 presentation logic 80 communication with client program using HTML documents, other communication protocols may be used, col 11, ln 42-45/ client messages which are in the format of a known internet service, such as E-mail, Files transfer protocol, col 5, ln 60-65/col 10, ln 32-37).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Spofford, Dobbins and Pearson because Pearson's mapping queries from multiple protocol interfaces to application programming interface (API) requests that the repository understands would improve the efficiency of Spofford and Dobbins's systems by allowing the customer with real time to access an execution of transaction commands over an open network without modifying a legacy database management system to support an increased number of users.

6. **As to claim 9**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Pearson teaches mapping queries from multiple protocol interfaces to application programming interface (API) requests that the repository understands (convert data from a parsed client request to a format compatible with the API for the application service identified in the application service call, col 15-20/ converting client messages between the language supported by a client program and the language used to implement a application service, col 4, ln 67 to col 5, ln 1-3/convert s user queries from an Internet protocol to one compatible with a database ... the user queries to the appropriate query language format for the, col 2, ln 60-65/ presentation logic 80 communication with client program using HTML documents, other communication protocols may be used, col 11, ln 42-45/ client messages which are in the format of a known internet service, such as E-mail, Files transfer protocol, col 5, ln 60-65/col 10, ln 32-37), interpreting the first query according to the protocol recording to the protocol recognized by abstraction layer is one of the two or more different protocols(when a user wants to communicate an Internet service message such as e-email, to a customer service representative, the message is provided through proxy firewall 54 to the e-mail service for

delivery to a customer service computer 54 . The customer service representative may be utilize information in the e-mail message to verify or correct user data through and application service 14, col 5, ln 61-65 and col 7, ln 27-35/ col 10, ln 32-39/ col 11, ln 15-20/ col 12, ln 58-60/col 14, ln 35-43).

7. **As to claims 20, 39,** they are apparatus claims of claim 1; therefore, they are rejected for the same reason as claim 1 above.

8. Claims **2-4, 21-23, 40-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spofford et al (US. Patent 5,913,037), Dobbins et al (US. Patent 5, 951,649) in view of Pearson (US. Patent 6,023,648), as applied to claim 1 above, and further in view of Whitehead et al (US. Patent 6,085,030).

9. **As to claim 2**, Spofford, Dobbin and Pearson do not teach an anchor point. However, Whitehead teaches an anchor point (an instance, col 14, ln 40-67/ col 10, ln 5-40).

10. It would have been obvious to one of the ordinary skill in the art at the time the inventions was made to combine teaching of Spofford, Dobbins, Pearson and Whitehead because Whitehead's an instance would increase the integrity of Spofford, Dobbin and Pearson's systems by ensuring proper administration, authentication and runtime binding access to components offered in response to requests from the application.

11. **As to claim 3,** Dobbins teaches if the anchor point of the OID subtree structure is already registered with the OID abstraction layer, the registry is overwritten (col 20, ln 38-41).

12. **As to claim 4**, Whitehead teaches an identifies a repository that maintains object

information for the request object based on the registered anchor point (the instance match the request, col 14, ln 40- 67).

13. **As to claims 21-23, 40-42**, they are apparatus claims of claims 2, 3, 4; they are rejected for the same reasons as claims 2, 3, 4 above.

14. Claims **5-8, 10-18, 24-37, 28-37, 43-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spofford (US. Patent 5,913,037), Dobbins et al (US. Patent 5,951,649) in view of Pearson (US. Patent 6,023,684), as applied to claim 1 above, and further in view of Ferguson (US. Patent 6,016,499).

15. **As to claim 5**, Spofford teaches request (col 10, ln 55-67 to col 1-16), reply message (the information as desired, col 10, ln 55-67 to col 1-16).

16. Spofford, Dobbins and Pearson do not teach API. However, Ferguson teaches API (API, col 5, ln 5-20/ col 8, ln 23-67).

17. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Spofford, Dobbins, Pearson and Ferguson because Ferguson's API would increase the use of Spofford, Dobbins and Pearson's systems by allowing a system to make repository information accessible to tools that use SQL.

18. **As to claim 6**, Pearson teaches the reply message is formatted for an appropriate protocol for the target protocol interface, and wherein the appropriate is one of the two or more different protocols (col 11, ln 40-45).

19. **As to claim 7,** Pearson teaches interprets the request according to a protocol of the requesting protocol interface wherein the protocol of the requesting protocol interface is one of the two or more different protocols (when a user wants to communicate an Internet service message such as e-email, to a customer service representative, the message is provided through proxy firewall 54 to the e-mail service for delivery to a customer service computer 54. The customer service representative may be utilize information in the e-mail message to verify or correct user data through and application service 14, col 5, ln 61-65 and col 7, ln 27-35/ col 10, ln 32-39/ col 11, ln 15-20/col 12, ln 58-60/ col 14, ln 35-43/col 2, ln 56- 60/col 4, ln 45-49) and Ferguson teaches receives an API reply from the repository (API / an API reply translating a relational database language into an executable API, col 5, ln 5-201 col 8, ln 21-67).

20. **As to claim 8,** Pearson teaches reformat the object data in the reply message according to the protocol of the requesting protocol interface (col 11, ln 40-45).

21. **As to claim 10,** Ferguson teaches mapped into the second query (translating a relational database language into an executable API, col 5, ln 5-20/ col 8, ln 21-67), a SQL tables (SQL columns (), col 9, ln 1-31).

22. **As to claim 11,** Ferguson teaches mapped into second query dues to a limitation (if the relational database language statement identifies a column of the table 80, the invention maps the attribute 76 to the column, col 8, ln 1-20).

23. **As to claim 12,** Spofford teaches the object (the object, col 10, ln 35-67), the first query (query, col 10, ln 35-67).

24. **As to claim 13,** Spofford teaches the object (information as desired, col 11, ln 1-16).

25. **As to claim 14**, Spofford teaches the protocol (the protocol, col 5, ln 5-67/ col 6, ln 1-67), the second reply (the information to the agent, col 11, ln 1-16).

26. **As to claim 15,** Spofford teaches the requester (the agent/the SNMP requests, col 11, ln 1-16).

27. **As to claim 16**, Pearson teaches the plurality of repositories is formatted to support the two or more different protocols (col 10, ln 32-40/ col 14, ln 35-43).

28. **As to claim 17**, Spofford teaches SNMP (the SNMP, col 1, ln 10-23).

29. **As to claim 18,** Ferguson teaches LDAP (LDAP, col 5, ln 6-29).

30. **As to claims 24-37, 43-56**, they are apparatus claims of claims 5-9, 1018; therefore, they are rejected for the same reasons as claims 5-9, 10-18 above.

31. Claims **19, 38, 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Spofford (US. Patent 5,913,037), Dobbins et al (US. Patent 5,951,649), in view of Pearson (US. Patent 6,023,684) as applied to claim 1 above, in view of Ferguson (US. Patent 6,016,499) and further in view of Admitted Prior Art (APA).

32. **As to claim 19**, Spofford, Dobbins, Pearson and Ferguson do not teach CIMIXML. However, APA teaches CIMIXML (CIMIXML/CIM, col 2, ln 10-18/ CIM/XML, page 3, ln 1-14).

33. It would have been obvious to one of the ordinary skill in the art at the time the inventions was made to combine the teaching of Spofford, Dobbins, Pearson, Ferguson and APA because APA's CIM/XML would improve the flexibility of Spofford, Dobbins, Pearson and

Ferguson's systems by allowing different management applications to collect the required data from a variety of sources.

34 . **As to claims 38, 57,** they are apparatus claims of claim 19; therefore, they are rejected for the same reason as claim 19 above.

(9) Response to Argument

Appellant argued:

A. Ground of rejection 1:

At the point (1), that Spofford, Dobbins and Pearson, either taken individually or in combination, do not teach or suggest the " the OID abstraction layer in capable of receiving queries for objects in two or more different protocols and supports the two or more different protocols by mapping queries from
multiple protocol interfaces to application program interface (API) requests that the repository understands".

At the point (2), Spofford does not teach or suggest, " the first query is in a protocol recognized by an OID abstraction layer".

At the point (3), do not teach or suggest, ° interpreting the first query according to the protocol recognized by the OID layer".

Examiner respectfully disagrees with applicant's remarks:

As to the point (1) and (2) Dobbin teaches the OID abstraction layer in capable of receiving queries for objects in two or more different protocols, the first query is in protocol

recognized by OUD abstraction layer (a standard interface for the Management Information Base (MIB) for object access by any management protocol or other entity including SNMP, SNMPv2, DMP, col 16, In 20-23, The MIB object provide the mapping of object Identifier, col 17, In 19-23 I the specific Managed Objects: name: OID Managed object, col 17, In 51-64/ col 19, In 30-35). The Form of these request are composed of queries to an object within database, by using the object's identifier (OID).

Pearson teaches supports the two or more different protocols by mapping queries from multiple protocol interfaces to application program interface (API) requests that the repository understands (convert data from a parsed client request to a format compatible with the API for the application service identified in the application service call, col 11, In 15-20/ converting client messages between the language supported by a client program and the language used to implement a application service, col 4, In 67 to col 5, In 1-3/converts user queries from an Internet protocol to one compatible with a database ... the user queries to the appropriate query language format for the, col 2, In 60-65/ presentation logic 80 communication with client program using HTML documents, other communication protocols may be used, col 11, In 42-45/ client messages which are in the format of a known internet service, such as E-mail, Files transfer protocol, col 5, In 60-65/ col 10, In 32-37).

As to the point (3), Dobbin teaches Simple network Management Protocol (SNMP) operates by passing request to MIB. The form of these requests are composed of queries to object within database, by using the object (OID), col 29, In 33-38), the IBM Navigator simplifier the format of these requests by proving a textual representation to these OID's (col 29, In 40-45).

B. Ground of rejection 2, 3:

At the point (1), Whitehead and Ferguson do not teach or suggest "an OID abstraction layer that is capable of receiving queries of objects in two of more different protocols and supports the two or more different protocols by mapping queries form multiple queries from multiple protocol interfaces to application program interface (API) requests that the repository understands".

At the point (3), Ferguson does not teach or suggest, " interpreting the first query according to the protocol recognized by the OID layer".

Examiner respectfully disagrees with applicant's remarks:

As to the point (1), Dobbin teaches the OID abstraction layer in capable of receiving queries for objects in two or more different protocols (a standard interface for the Management Information Base (MIB) for object access by any management protocol or other entity including SNMP, SNMPv2, DMP, col 16, In 20-23, The MIB object provide the mapping of object Identifier, col 17, In 19-23 I the specific Managed Objects: name: OID Managed object, col 17, In 51-641 col 19, In 30-35). The Form of these request are composed of queries to an object within database, by using the object's identifier (OID).

Pearson teaches supports the two or more different protocols by mapping queries from multiple protocol interfaces to application program interface (API) requests that the repository understands (convert data from a parsed client request to a format compatible with the API for the application service identified in the application service call, col 11, In 15-20/ converting

client messages between the language supported by a client program and the language used to implement a application service, col 4, In 67 to col 5, In 1-3/converts user queries from an Internet protocol to one compatible with a database ... the user queries to the appropriate query language format for the, col 2, In 60-651 presentation logic 80 communication with client program using HTML documents, other communication protocols may be used, col 11, In 42-45/ client messages which are in the format of a known internet service, such as E-mail, Files transfer protocol, col 5, In 60-651 col 10, In 32-37).

As to the point (2), Dobbin teaches Simple network Management Protocol (SNMP) operates by passing request to MIB. The form of these requests are composed of queries to object within database, by using the object (OID), col 29, In 33-38), the IBM Navigator simplifier the format of these requests by proving a textual representation to these OID's (col 29, In 40-45).

B. Ground of rejection 4:

At to the point (1), Spofford, Dobbins, Pearson and Ferguson do not teach for using CIM/SML

Examiner respectfully disagrees with applicant's remarks:

As to the point (1), Admitted Prior Art (APA) teaches CIM/XML (CIMIXML/CIM (page 3, In 7-8).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lechi Truong

January 25, 2006

Conferees:

Chaki, Kakali, SPE 2193

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

William Thomson, SPE A.U. 2194

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Lechi Truong, Examiner A.U. 2194.

- LeChi Truong -